

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 30 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

VALENTIN MORALES,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-71304

Agency No. A79-221-459

ORDER

Before: REINHARDT, W. FLETCHER, and CLIFTON, Circuit Judges.

Valentin Morales, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his request for a continuance based on ineffective assistance of counsel.

Morales has submitted evidence that his 1997 conviction for possession of cocaine was vacated on April 29, 2008 in Benton County, Washington Superior Court. Morales therefore appears eligible for relief under *Lujan-Armendariz v. INS*, 222 F.3d 728 (9th Cir. 2000). Moreover, the administrative record indicates

that Morales may be eligible to adjust his status to that of lawful permanent resident through his U.S. citizen wife.

We grant petitioner's unopposed motion to refer this case to the Circuit Mediator's Office for mediation. In the event that mediation fails, this panel will retain jurisdiction over the petition for review.